

REMARKS AND ARGUMENTS

The Office has required restriction, under 35 U.S.C. § 121 and 372, of the claims in this application to one of the following Groups:

Group I, Claims 1-7, and 9-17, drawn to a polymer composition and process for production.

Group II, Claim 18, drawn to a process for treating a suspension.

The requirement is traversed.

Group I having been elected, action upon the merits of the Claims 1-7 and 9-17 of that group is solicited.

The asserted justification for the restriction requirement is expressed as follows:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In explanation of the above, the requirement states that “a special technical feature which these claims share does not define a contribution over the prior art. For example, the claims of Groups I and II share a water-soluble polymer composition as the special technical feature, which is considered to lack novelty or an inventive step in view of US Patent Patel et al. 6,103,839 (see col. 4 line 24 through col. 5 line 45).”

However, there is no explanation of why the water-soluble polymer composition identified in the Official Action is considered to lack novelty or an inventive step in view of the cited US Patent to Patel et al. Off-hand, such a holding is not justified since the subject claims emphasize a recurrent pattern of variation during the monomer polymerization process whereas Patel et al. emphasize mixing procedures.

Since the assertion of lack of novelty for the special technical feature recited is not established, the requirement is requested to be withdrawn.

In fact, the statement in MPEP § 803 (August 2003, top of col. 1, page 800-4) that

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

would appear to be applicable here in view of the explanation in the Official Action justifying the restriction requirement.

Withdrawal of the restriction requirement and action upon the merits of all the claims is therefore solicited.

Respectfully submitted,

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